

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

HASSIE-DEMOND KNOWLIN,

Plaintiff,

v.

CREDIT COLLECTION SERVICES,

Defendant.

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1:17-CV-727

ORDER AND JUDGMENT

By text Order entered on August 14, 2018, and served that date, the Court ordered the parties to comply with the disclosure requirements of Fed. R. Civ. P. 26(a)(3)(A) no later than October 12, 2018. *See* Text Order Aug. 14, 2018. The Court set the case for trial during the January 2019 Civil Master term of court beginning January 7, 2019. *Id.* In view of the lack of activity on the docket, the Court stated in the text order that “[f]ailure to timely comply with these requirements may result in dismissal for failure to prosecute or other sanction as to the plaintiff and an appropriate sanction as to the defendant.” Text Order, Aug. 14, 2018. To date, neither party has complied with the Court’s order and neither party has asked for more time to comply. It thus appears that neither party wishes to proceed with a trial.

Considering the four factors relevant to determination of whether the case should be dismissed for failure to prosecute, *Hillig v. CIR*, 916 F.2d 171, 174 (4th Cir. 1990), the Court concludes in its discretion that dismissal without prejudice is appropriate. *Link v.*

Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (a district court has inherent power to dismiss a case for lack of prosecution or violation of a court order).

In view of the defendant's apparent failure to comply with the Court's order, the Court concludes that the defendant should not be allowed to seek its costs. If the defendant thinks otherwise, it may file a motion to that effect within five business days of the date of this Order and the Court will consider the matter de novo.

It is **ORDERED** and **ADJUDGED** that the plaintiff's action is **DISMISSED WITHOUT PREJUDICE** and each party shall bear its own costs.

This the 6th day of November, 2018.


UNITED STATES DISTRICT JUDGE